

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

THOMAS L. TAYLOR III, solely in his capacity as Court-appointed temporary receiver for Breitling Energy Corporation, et al., Plaintiff,	§ § § § § § §	
v.	§	CIV. ACTION NO. 3:19-cv-02602-D
SCHEEF & STONE, LLP, ROGER CRABB, and MITCH LITTLE, Defendants.	§ §	

**JOINT SCHEDULING PROPOSAL AND REPORT ON RULE 26(f)
CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(b) and 26(f), and the Court’s Order of September 19, 2019, Plaintiff Thomas L. Taylor III, as Court-appointed temporary receiver for Breitling Energy Corporation *et al*, and Defendants Scheef & Stone, LLP, Roger Crabb, and Mitch Little, file their Scheduling Proposal and Report on Rule 26(f) Conference, as follows:

1. Proposed Deadlines

The parties propose the following pretrial deadlines for the matters set out in paragraph V.1 of the Court’s Order:

Joinder of additional parties	February 2, 2021
Amendment of pleadings	March 1, 2021
Filing of all motions, including challenges to expert witnesses and dispositive motions, including motions for summary judgment	August 20, 2021

Completion of discovery	July 2, 2021
Plaintiff to designate experts and provide the disclosures required by Rule 26(a)(2)	March 1, 2021
Defendants to designate experts and provide the disclosures required by Rule 26(a)(2)	April 3, 2021
Plaintiff to designate rebuttal expert witnesses and provide the disclosures required by Rule 26(a)(2)	May 3, 2021

In addition to the foregoing, the Parties respectfully propose the following dates for trial and exchange of associated pretrial filings:

Filing of all pretrial materials listed in Rule 26(a)(3), LR 26.2, a proposed jury charge or proposed findings of fact and conclusions of law; motions in limine; and requested voir dire questions	September 27, 2021
Final pretrial conference	October 11, 2021
Trial	October 25, 2021

2. Initial disclosures

The parties do not believe any changes should be made to the timing, form, or requirement for disclosures under Rule 26(a). The parties will exchange their initial disclosures on **June 30, 2020**.

3. Discovery

Plaintiffs anticipate conducting discovery on the following matters:

The business operations of the Breitling entities and the fraud and violations of securities laws by the Breitling entities and breaches of fiduciary duty by Breitling officers and directors, as well as Defendants' negligence and Defendants' knowledge

of, and participation in, Breitling's officers and directors' misconduct, breaches of fiduciary duty, violations of law and fraud.

Defendants anticipate conducting discovery on the following matters:

The business operations of the Breitling entities and the fraud and violations of securities laws by the Breitling entities and their officers and directors, of which defendants were not aware, and the benefits of that fraud to the Breitling entities. The wrongful conduct of Breitling contrary to defendants' advice and of which defendants were not aware. Other legal assistance to the Breitling entities during the time period of defendants' representation of them. The factual and legal allegations asserted by plaintiff. The damages alleged by the plaintiff, and the facts surrounding plaintiff's delayed timing in filing the complaint.

The parties do not believe that this case is appropriate for phased discovery, and anticipate that discovery will be completed by July 2, 2021.

4. Electronic discovery

The parties have discussed issues related to the disclosure and discovery of electronically stored information ("ESI"). The parties have not yet agreed on the format for production of ESI, but discussion related thereto is ongoing. Except as amended by agreement, the parties will request and produce ESI in accordance with the Federal Rules of Civil Procedure. The parties have discussed the need to preserve ESI related to this case, and have confirmed that litigation holds are in effect.

5. Claims of Privilege

The parties have not reached any agreements related to claims of privilege, nor have they reached any agreements related to the protection of materials as trial-preparations materials. The parties anticipate that the Rules regarding privilege will provide adequate protection in this case. Accordingly, the parties do not believe it is necessary for the Court to address matters of privilege in its Scheduling Order.

6. Limitations on Discovery

The parties do not anticipate the need for any changes in the limitations on discovery imposed under the federal and/or local rules.

7. Other orders

None.

8. Referral to Magistrate

The parties do not consent to trial of this matter before the Magistrate Judge.

9. Alternative Dispute Resolution

The parties are amendable to mediation of this case after they have had sufficient time to conduct preliminary discovery. The parties request that any mediation ordered by this Court take place no earlier than December 1, 2020 to allow the parties to fully formulate their settlement positions.

Dated: April 6, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served on all counsel of record through the Court's electronic filing system on April 6, 2020.

/s/ Edward C. Snyder